

PROB 12B  
(7/93)

Report Date: January 6, 2009

**United States District Court**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

JAN 07 2009

**Eastern District of Washington**

JAMES R. LARSEN, CLERK

DEPUTY  
RICHLAND, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Hung Lai Huynh

Case Number: 2:09CR00001-001

Name of Sentencing Judicial Officer: Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 07/07/2007

Type of Supervision: Supervised Release

Original Offense: Conspiracy to Distribute Marijuana,  
21 U.S.C. § 841(a)(1), 841 (b)(1)(C), and 846.

Date Supervision Commenced: 07/09/2008

Original Sentence: Prison - 20 Months;  
TSR - 36 Months

Date Supervision Expires: 07/08/2011

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 19 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 20 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

**CAUSE**

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9<sup>th</sup> Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of six drug and/or alcohol tests per month.

The offender signed the "Waiver of Hearing to Modify Conditions of Supervised Release," on December 30, 2008. He understands the rationale behind this modification. Mr. Huynh continues to submit to testing. To date, all of his tests have been negative.

Prob 12B

**Re: Huynh, Hung Lai**

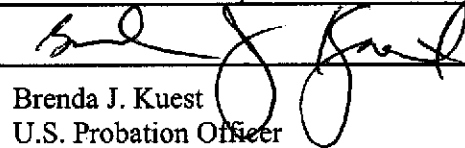
**January 6, 2009**

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

1-6-09

  
Brenda J. Kuest  
U.S. Probation Officer

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**THE COURT ORDERS**

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other

  
Signature of Judicial Officer

1/7/08  
Date

# United States District Court

Eastern District of Washington

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

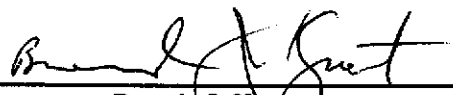
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

- 19 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 20 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Witness:

  
Brenda J. Kuest  
U.S. Probation Officer

Signed:

  
Hung Lai Huynh  
Probationer or Supervised Releasee

December 30, 2008

Date